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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,423	05/16/2005	Oleksiy Yu. Shevchenko	50377-013	7439
20277 7590 05/27/2010 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
EXAMINER				
REVAK, CHRISTOPHER A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,423

Applicant(s)

SHEVCHENKO, OLEKSIY YU.

Examiner

Christopher A. Revak

Art Unit

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 29, 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive.

The applicant's arguments have been carefully considered, however the examiner contends that the claim limitations are still anticipated by Alvarez. It is argued by the applicant that the teachings of Alvarez that "the graphic controller of Alvarez does not process the data supplied from a data source for delivery to the protected computer device, where the data source and the protected computer device are external with respect to the protecting system". It is additionally asserted that "Alvarez does not process data addressed to the protected device to transfer the graphic information representing this data to a monitor for presenting to a user of the protected computer device."

The examiner contends that Alvarez does meet these limitations. The applicant is correct in identifying portions of Alvarez wherein graphics controller 107 is not external to the computer system 100, the graphics controller and the computer system is a single unit. The examiner interprets the computer system along with the graphics controller to be equivalent to the claimed language of the "protecting system". The protecting system, which includes the controller, is external to the protected computer device which is equivalent to the television or computer monitor of Alvarez, see column 3, lines 35-39 and in reference to Figure 2, beginning at column 3, line 51. The protected devices, such as the television or monitor, are shown to be external to the graphics controller which is responsible for processing of the signal to ensure that it is copy protected prior to being sent to one of these protected device. It is noted that these devices include a monitor for viewing by the end user.

It is additionally being argued that "Alvarez does not disclose any program file received from the DVD (source of the data) and does not suggest replacing the name extension of the program file with another extension." The examiner disagrees with the applicant's arguments pertaining to inherency, the rejection has been altered to an obvious-type rejection in view of Alvarez.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-18 and 20-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Alvarez, U.S. Patent 6,345,099.

As per claim 11, it is disclosed of a system for protecting a computer device from unauthorized access, said protecting system being configured for receiving data addressed said protected computer device, said protecting system comprising a controller for processing the data supplied from a data source for delivery to the protected computer device, the data source and the protected computer device being external with respect to the protecting system, the controller produces graphic information representing said data, the graphic information being produced in a graphic format inside said protecting system, and an output buffer providing a path for transferring the graphic information to a monitor for presenting to a user of the protected computer device and the data addressed to the protected computer device (col. 3, line 35 through col. 4, line 16).

As per claim 12, it is taught wherein said graphic information is formed of a pixel pattern displayable data are adapted for displaying by a monitor controllable by said computer device (col. 3, line 62 through col. 4, line 4).

As per claim 13, it is disclosed wherein said source of data is configured for supplying said data via a communication link (col. 3, line 35 through col. 4, line 16).

As per claim 14, it is taught wherein said controller is configured for receiving instructions from an input device of said computer device (col. 6, lines 34-46).

As per claim 15, it is disclosed of further comprising an input buffer connected to the input device, and responsive to the instructions from the input said computer device for supplying the controller with a driving signal (col. 3, line 35 through col. 4, line 16).

As per claim 16, it is taught the input buffer is arranged separately from the output buffer further comprising an output buffer responsive to output information from the controller for converting said output information into a graphic format (col. 3, line 35 through col. 4, line 16).

As per claim 17, it is disclosed wherein said output buffer is configured for temporarily storing converted graphic information until processing of said data is completed (col. 3, line 35 through col. 4, line 16).

As per claim 18, it is taught of further comprising storage for storing said data during a period of processing said data by said controller (col. 3, line 35 through col. 4, line 16).

As per claim 20, it is taught of further comprising a controllable input switch connectable to said source of data and configured for preventing said data from being supplied to the controller after termination of communication with said source of data (col. 3, line 35 through col. 4, line 16).

As per claim 21, it is disclosed of further comprising a controllable output switch configured for outputting said graphic information (col. 3, line 35 through col. 4, line 16).

As per claim 22, it is taught of a method of preventing unauthorized access to a computer device using a protection device external with respect to the computer device, the method comprising the steps of preventing by the protection device external with respect to the computer device, data addressed to the computer device from being supplied to the computer device, supplying said data to the protection device, and processing said supplied data to produce, inside the protection device, graphic information in a graphic format for supplying to a monitor, the graphic information representing the data addressed to the computer device (col. 3, line 35 through col. 4, line 16).

As per claim 23, it is disclosed of further comprising the step of displaying said graphic information formed of a pixel pattern, by a monitor controllable by the computer device (col. 3, line 62 through col. 4, line 4).

As per claim 24, it is taught of further comprising the step of supplying instructions from an input device of said computer device to said protection device (col. 6, lines 34-46).

As per claim 25, it is disclosed wherein the instructions from the input device to the protection device are transferred via a path provided by an input buffer separate from an output buffer that provides a path for transferring the graphic information from the protection device to the monitor the step of processing includes the step of converting processed information into a graphic format (col. 3, line 35 through col. 4, line 16).

As per claim 26, it is taught of further comprising the step of temporarily storing converted graphic information until processing of the supplied data is completed (col. 3, line 35 through col. 4, line 16).

As per claim 27, it is disclosed of further comprising the step of storing said supplied data in a storage device during processing of said supplied data (col. 3, line 35 through col. 4, line 16).

As per claim 28, it is taught of further comprising the step of preventing said supplied data from being supplied to the protection device after termination of communication with a source of said supplied data col. 3, line 35 through col. 4, line 16 (col. 3, line 35 through col. 4, line 16).

As per claim 29, it is disclosed of further comprising the step of providing controllable output of said graphic information (col. 3, line 35 through col. 4, line 16).

As per claim 30, it is taught of further comprising the step of preventing data stored in the computer device from being transferred outside of the computer device (col. 4, lines 4-11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alvarez, U.S. Patent 6,345,099.

As per claim 19, Alvarez discloses that the received pixel information is converted to a television compatible format signal, wherein said storage is responsive to said output information from the controller for supplying said output buffer with said output information (col. 3, line 35 through col. 4, line 16). The teachings fail to disclose of "replacing a name extension of a program file received from the source of data with another name extension." The examiner asserts that it is obvious that the teachings of Alvarez rename the extension of the program file since the file is converted from one format to another which can then be searched by the extension to add in processing of the reformatted file. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. One of ordinary skill recognizes the need to reformat content to place in a condition for use by a device operating under a different format type. The examiner asserts that the teachings of Alvarez rename the extension of the program file since the file is converted from one format to another which can then be searched by the extension to add in processing of the reformatted file.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-

272-3794. The examiner can normally be reached on Monday-Thursday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 517-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher A. Revak/
Primary Examiner, Art Unit 2431